

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA

March 4, 2019
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Kathy Schwantes, Fernando Alvarado, Julie Asmus, Andrew Plowman, and Audrey Nelsen. Present 7, Absent 2. Council Members Vicki Davis and Shawn Mueske were excused from the meeting.

Also present were City Administrator Ike Holland, Police Chief Jim Felt, Finance Director Steve Okins, Public Works Director Sean Christensen, Park and Recreation Director Rob Baumgarn, Interim Planning and Development Services Director Sarah Swedburg, City Clerk Judy Thompson and City Attorney Robert Scott.

There were no additions or deletions from the agenda.

Council Member Fagerlie moved to approve the agenda, as presented. Council Member Nelsen seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of February 19, 2019
- B. Willmar Municipal Utilities Board Minutes of February 25, 2019
- C. Planning Commission Minutes of February 20, 2019
- D. Application for Rice Memorial Hospital Board – Anthony Ogdahl
- E. Accounts Payable Report February 14 through February 28, 2019
- F. Human Rights Commission Minutes of January 15, 2019
- G. Willmar Lakes Area CVB Board Minutes of January 15, 2019
- H. Central Community Transit Operations Board Minutes of November 27, 2018
- I. Invest in Willmar Board Meeting Summary of February 13, 2019

Council Member Nelsen offered a motion to approve the Consent Agenda. Council Member Alvarado seconded the motion which carried on a roll call vote of Ayes 6, Noes 0.

Bob Enos, Willmar, addressed the Mayor and Council during the Open Forum. Mr. Enos spoke in regard to the Senior Center and the petition that was presented to Council in 2018.

At 7:02 p.m. Mayor Calvin opened the public hearing for an Ordinance Amending Planning and Development Department Fees. Interim Planning and Development Services Director Sarah Swedburg stated the current fees being charged for planning/zoning and rental inspection program are not keeping pace with the cost of providing the services. It is the request of staff that fees be increased as proposed. There being no one present to speak for or against the proposed ordinance, Mayor Calvin closed the hearing at 7:04 p.m. and opened it up for discussion by the Council.

Following discussion, Council Member Fagerlie offered a motion to approve the proposed fees, adopt, assign a number and order final publication of **Ordinance No. 1432 An Ordinance Amending Planning and Development Department Fees**. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

At 7:05 p.m. Mayor Calvin opened the public hearing for a text amendment to Zoning Ordinance Section 6.Q Relating to Technology District. Interim Planning and Development Services Director Sarah Swedburg stated the Planning Commission was requested to consider allowing office (business and professional) use outright in the Technology District. The Planning Commission held a public hearing on the

proposed text amendment on February 6, 2019, and approved the request. Because the Technology Zone is unique to other zones in that the MinnWest Technology Campus oversees the area, Planning Commission found it unnecessary for every small office use to need Plan Review approval. There being no one present to speak for or against the proposed ordinance, Mayor Calvin closed the hearing at 7:07 p.m. and opened it up for discussion by the Council.

Following discussion, Council Member Schwantes offered a motion to approve the proposed text amendment, adopt, assign a number and order final publication of **Ordinance No. 1433 An Ordinance Amending No. 1060 Known as the Willmar Zoning Ordinance By Amending Section 6.Q Relating to The Technology District.** Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

At 7:08 p.m. Mayor Calvin opened the public hearing for an Ordinance Amending Municipal Ordinance No. 1060, The Willmar Zoning Ordinance. Interim Planning and Development Services Director Sarah Swedburg stated the Planning Commission was requested to consider a rezone of land for continued industrial uses. These parcels have been owned by Perkins Lumber and BNSF for a lumber yard and rail yard for quite some time. The Planning Commission held a public hearing on this matter on February 6, 2019 and approved the request. There being no one present to speak for or against the proposed ordinance, Mayor Calvin closed the hearing at 7:09 p.m. and opened it up for discussion by the Council.

Following discussion, Council Member Asmus offered a motion to approve the proposed rezone, adopt, assign a number and order final publication of **Ordinance No. 1434 An Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance.** Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

The Public Works/Public Safety Committee Report of February 20, 2019 was presented to the Mayor and Council by Council Member Plowman. There were four items for consideration.

Item No. 1 Staff brought forth, for approval, the discussion of residential parking concerns on 2nd Street SE, 3rd Street SE and 4th Street SE from Becker Avenue to Olena Avenue; 5th Street SE from Johanna Avenue to Olena Avenue, and 15th Street SE from 19th Avenue to Pleasantview Drive. With increased parking, there is a concern for obstruction of snow removal operations due to narrow street widths. Staff is requesting signing the streets for seasonal parking restrictions. The Committee discussed reevaluating additional streets next year as others face the same issue as well as removal of snow from various City sidewalks. It was the recommendation of the committee to approve staff's recommendation.

Following discussion, Council Member Plowman offered a motion to introduce a resolution approving parking restrictions on certain streets. Council Member Asmus seconded the motion. Following further discussion, City Attorney Robert Scott offered an amendment to the motion to amend the third paragraph of the proposed resolution to read "temporarily" ban the seasonal parking, and add the following sentence at the end of the third paragraph – "The ban will remain in place until such time conditions improve and at the judgement of the Public Works Director and Police Chief or any other designated position." He also noted this would need six affirmative votes to pass. The motion failed upon a roll call vote of Ayes 5, Noes 1. Council Member Fagerlie voted "no".

Council Member Fagerlie offered a motion to allow the City Administrator and Public Works Director to create a city-wide snow emergency, as needed, to clear public streets for the remainder of Spring 2019. Council Member Schwantes seconded the motion, which failed on a roll call vote of Ayes 4, Noes 2. Council Members Asmus and Plowman voted "no".

Item No. 2 Staff brought forth, for information, a status update on the Cambridge drainage pond project. The design from Bolton and Menk on the project is complete and staff will bid the project this spring. The Committee discussed funding options for the project and the potential of using sales tax as a source. Staff recommendation is to wait for legislature to approve the Local Option Sales Tax to fund the construction of the project. This item was for information only.

Item No. 3 Staff brought forth, for approval, an agreement with MnDOT for the Community Roadside Landscape Partnership program and resolution authorizing signatures. The program will provide technical and financial assistance for roadside beautification of the five Welcome to Willmar signs. The funding reimbursement of eligible materials is not to exceed \$10,000. It was the recommendation of the committee to approve staff's recommendation.

Following discussion, **Resolution No. 19-035 Authorization to Provide Payment by the State to City for Acquisition of Landscape Materials and Authorize Signatures on the Agreement** was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

Item No. 4 Staff brought forth, for approval, the MnDOT Local Trail Connections Program grant application. The program provides grants to local governments to promote short trail connections between residential areas and desirable locations. Staff has identified the need for a path on 19th Avenue SW from 1st Street to 15th Street in connection to the path the County will construct this year from 21st Street to 15th Street. It was the recommendation of the committee to approve staff's recommendation.

Following discussion, **Resolution No. 19-036 Authorizing the City to Act as the Sponsoring Unit for the MnDOT Local Trail Connections Program** was introduced by Council Member Plowman. Council Member Nelsen seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

The Public Works/Public Safety Committee Report for February 20, 2019, was approved as presented, and ordered placed on file in the City Clerk's Office upon motion by Council Member Plowman, seconded by Council Member Nelsen, and carried.

The Finance Committee Report for February 21, 2019 was presented to the Mayor and Council by Council Member Nelsen. There were three items for consideration.

Item No. 1 The committee reviewed the tentative bonding calendar, projects costs for various sizes, lengths and rates and will discuss further once the Council decides the final scope of the 2019 Improvement Project. Staff briefly explained how the history and funding sources for the Street Improvement Projects are arrived at. After a short explanation, staff indicated a more detailed report is being compiled explaining the Community Investment Fund, Public Works Fund, Municipal State Aid Funding and the Utility Fee discussed at the Retreat to be available at a future committee meeting. Also discussed in detail were the consultations taking place between the Finance and Engineering Departments about possible changes in the designated Municipal State Aid streets and the possible effects it could have on funding in the future. The committee then reviewed and discussed proposed legislation in three possible additional transportation funding sources for the future. Those being the Larger Cities Assistance Account funded by a proposed \$10 surcharge on license tab fees and a \$10 surcharge on motor vehicle title transfers. The second giving cities the authority to establish street improvement districts and the third was the possible creation of a Local Cost-Share Assistance Account through MnDOT. These matters were for information only and will continue to be monitored as the legislative session progresses.

Item No. 2 The committee received the City Comprehensive Assessment Policy for review. Additional discussion will be scheduled for a future meeting. This was distributed because the policy had not been downloaded in the Drop Box. This item was for information only.

Item No. 3 The committee reviewed the future meeting schedule. It was discussed that this will be available at all future meetings, so items discussed or requested an be added and the Council will be informed of when certain items are scheduled to be discussed. This item was for information only.

The Finance Committee Report of February 21, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Plowman seconded the motion, and carried.

The Labor Relations Committee Report for February 25, 2019, was presented to the Mayor and Council by Council Member Alvarado. There were four items for consideration.

Item No. 1 Staff brought forth, for approval, updating the GIS Specialist/Surveyor job description to appeal to a wider range of applicants. Public Works Director Christensen provided background information on the position and the need for applicants with more Surveying experience. It was the recommendation of the committee to approve staff's recommendation.

Following discussion, Council Member Alvarado offered a motion to approve updating the GIS Specialist/Surveyor job description as presented. Council Member Nelsen seconded the motion which carried.

Item No. 2 Continuation of discussion regarding increasing the sick leave payout for Department Heads to match other City employee cash out levels. The cash out amount has not been increased in several years and was not increased when union employee cash outs were increased. Staff will compile a Total Benefit Package comparison report and continue the discussion at the next Labor Committee Meeting. This item was for information only.

Item No. 3 No discussion of pay scale maximums was held due to time constraints. This item was for information only.

Item No. 4 Staff received one request for possible change in the City Administrator's review process that included meeting with Community Leaders in regards to the Administrator. Information from our labor attorney and the League of MN Cities will be provided at the next Labor Committee Meeting. This item was for information only.

The Labor Relations Committee Report for February 25, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Plowman, seconded by Council Member Asmus, and carried.

The Community Development Committee Report for February 25, 2019, was presented to the Mayor and Council by Council Member Fagerlie. There was one item for consideration.

Item No. 1 Staff explained that AEHM, LLC recently purchased the Sunwood Apartment Complex and plans to build an additional 24-unit building in addition to improvements of the interior and exterior on the existing two buildings (12 units each). AEHM, LLC requested and was approved an amendment to the existing PUD, allowing the expanded construction of a 24-unit building, instead of the historically planned third 12-unit building. During planning commission's review of the PUD request in November 2018, the public expressed concerns of traffic, property value, proper upkeep (garbage, fence, etc.), and green space. Mr. Olson assured the Committee that they were making needed improvements upon acquiring the property and would see the upgrades through. AEHM, LLC's request for tax abatement is for 10 years and states that the project cannot support itself without tax abatement from the City. The Committee reviewed the City's tax abatement policy. They inquired with Mr. Olson about general plans for the new apartment complex and how this project fits within the policy standards. More information will need to be acquired in this preliminary phase before tax abatement is formally approved or denied. It was the recommendation of the committee to approve moving forward with the preliminary request tax abatement policy and request the formal application from AEHM, LLC.

Following discussion, Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Nelsen seconded the motion which carried.

The Community Development Committee Report for February 25, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Nelsen, and carried.

Interim Planning and Development Services Director Sarah Swedburg presented a request for approval of the Marcus Highway 12 Development final plat. Marcus Construction proposes a replat of the four

existing parcels into two parcels for commercial development. The property consists of four parcels that were historically the Elm Lane Trailer Park, but have sat empty for quite some time. It was noted the Planning Commission approved the preliminary plat on February 6, 2019 and the final plat on February 20, 2019. City Council approved the preliminary plat on February 19, 2019.

Following discussion, Council Member Fagerlie offered a motion to approve staff's request. Council Member Plowman seconded the motion which carried.

Interim Planning and Development Services Director Sarah Swedburg presented a request to approve an amendment of Resolution No. 19-01 for vacation of a portion of 2nd Avenue Southeast to correct an error in the legal description submitted.

Following discussion, **Resolution No. 19-037 Amendment of Resolution No. 19-021 Vacating a Portion of Public Street Right-of-Way** was introduced by Council Member Plowman. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 6, Noes 0.

City Administrator Ike Holland offered the following comments: a group of city officials testified at the capitol earlier today regarding the local option sales tax.

Council Member Alvarado offered the following comments: boys basketball playoff game Tuesday night; Main Street meeting was held this past weekend and there was a great turnout; urged citizens to participate in various activities and projects at the Community Center – highlighting where citizens can decorate tiles that will be put in benches and other projects.

Council Member Asmus offered the following comments: she had two calls regarding snow removal and the buildup on the corners of various streets in the city affecting safety of drivers.

Council Member Plowman offered the following comments: gave a “shout out” to the hockey association and the great job they did this year supporting our children.

Council Member Nelsen offered the following comments: she was one of the members that went to the capitol today and felt everything went well.

Council Member Fagerlie offered a motion to adjourn the meeting with Council Member Asmus seconding the motion which carried. The meeting adjourned at 8:29 p.m.

s/s Marv Calvin

MAYOR

Attest:

s/s Judy Thompson

SECRETARY TO THE COUNCIL

RESOLUTION NO. 19-035

AUTHORIZATION TO PROVIDE PAYMENT BY THE STATE TO CITY FOR ACQUISITION OF LANDSCAPE MATERIALS AND AUTHORIZE SIGNATURES ON THE AGREEMENT.

Motion By: Plowman

Second By: Nelsen

BE IT RESOLVED by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, to enter into MnDOT Agreement No. 1033241 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the City for the acquisition of landscape materials to be placed adjacent to Trunk Highway No. 12 at T.H. 71 and T.H. 23 South, at T.H. 12 and C.S.A.H. 9, at T.H. 71 and C.S.A.H. 24 under State Project No. 3403-969 (T.H. 12=010).

IT IS FURTHER RESOLVED that the Mayor and the City Administrator are authorized to execute the Agreement and any amendments to the Agreement.

Dated this 4th day of March, 2019

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-036

**A RESOLUTION AUTHORIZING THE CITY TO ACT AS THE SPONSORING UNIT FOR
THE MNDOT LOCAL TRAIL CONNECTIONS PROGRAM.**

Motion By: Plowman Second By: Nelsen

WHEREAS by the City Council of the City of Willmar, a Municipal Corporation of the State of Minnesota, will support the grant application made to the Minnesota Department of Natural Resources for the Local Trail Connections Program. The application is to construct a path along 19th Avenue SW from 1st Street to 15th Street, and

WHEREAS, the City of Willmar recognizes that it has secured non-state cash matching funds for the project.

NOW, THEREFORE, BE IT RESOLVED, if the City of Willmar is awarded a grant by the Minnesota Department of Natural Resources, the City of Willmar agrees to accept the grant award, and may enter into an agreement with the State of Minnesota for the above referenced project. The City of Willmar will comply with all applicable laws, environmental requirements and regulations as stated in the grant agreement, and

BE IT FURTHER RESOLVED that the applicant has read the Conflict of Interest Policy contained in the Local Trail Connections Grant Manual and certifies it will report any actual, potential, perceived, or organizational conflicts of interest upon discovery to the state related to the application or grant award.

BE IT FURTHER RESOLVED, the City Council of the City of Willmar names the fiscal agent for the City of Willmar for the project as:

Sean E. Christensen, P.E.
Public Works Director
City of Willmar
333 6th Street SW
Willmar, MN 56201

BE IT FURTHER RESOLVED, the City of Willmar hereby assures the path will be maintained for a period of no less than 20 years.

Dated this 4th day of March, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-037

AMENDMENT OF RESOLUTION NO. 19-021 VACATING A PORTION OF PUBLIC STREET ROW

Motion By: Plowman

Second By: Alvarado

WHEREAS, the vacation of those portions of dedicated street as described below was petitioned by the adjacent property owners Marcus Real Estate and Investments LLC and BPO Elks Lodge #952; and

WHEREAS, the vacation was approved by the City Council of Willmar on the 22nd day of January, 2019 by Resolution No. 19-021 and legal description is hereby amended as follows:

Vacation of all that part of SECOND AVENUE SOUTH (currently known as Second Avenue Southeast), as delineated and dedicated on the plat of ERICKSON'S SECOND ADDITION TO THE CITY OF WILLMAR, MINNESOTA, described as follows: That portion of said Second Avenue Southeast lying Westerly of the Northerly extension of the East line of Block 14 in said Erickson's Second Addition to the City of Willmar, Minnesota and lying Easterly of the Southerly extension of the East line of ~~Block 4~~ Block 5 in said Erickson's Second Addition to the City of Willmar, Minnesota.

WHEREAS, the amended proposed vacation has been approved by the Planning Commission of the City of Willmar; and

WHEREAS, published notice and mailed notice of the proposed vacation and the hearing thereon have been given as provided in Subdivision 6 of Section 9.01 of Article IX of the Willmar City Charter; and

WHEREAS, a hearing was duly held on the proposal to vacate that portion of said street on January 22, 2019; and

WHEREAS, the City Council of Willmar found that it is in the best interests of the City of Willmar to vacate that portion of said streets;

NOW, THEREFORE, BE IT RESOLVED, that the above described portion of dedicated streets be, and hereby is, vacated as amended.

BE IT FURTHER RESOLVED that a certified copy of the Resolution be filed with the Kandiyohi County Recorder on or after February 19, 2019.

Dated this 19th day of February, 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK